

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIO PALACIOS and MARIA PALACIOS,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 13-14845

Honorable John Corbett O'Meara

**ORDER GRANTING
PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT**

This matter came before the court on Plaintiffs' July 8, 2014 Motion for Permission to File First Amended Complaint. The government filed a response July 22, 2014. No reply was filed, and no oral argument was heard.

This is a medical malpractice case arising under the Federal Tort Claims Act. In their complaint plaintiffs Mario and Maria Palacios alleged causes of action under both a traditional malpractice causation theory and a "loss of opportunity" causation theory. Plaintiffs now seek to amend the complaint to allege claims only under the traditional malpractice causation theory.

The government contends that allowing Plaintiffs to amend the complaint would cause substantial prejudice because it has been "consulting experts on causation and damages, and expending considerable resources" Resp. br. at 4. Allowing amendment would require the government to "reexamine its experts, and possibly retain new ones to defend against the new causation theory plaintiff is attempting to assert" *Id.*

However, the case was filed only about six months ago. Expert discovery was recently extended to December 31, 2014. See Stipulated order July 17, 2014. Finding no substantial prejudice to the defendant, the court will grant Plaintiffs' motion to amend.

ORDER

It is hereby **ORDERED** that Plaintiffs' July 8, 2014 Motion for Permission to File First Amended Complaint is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: August 18, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, August 18, 2014, using the ECF system.

s/William Barkholz
Case Manager